

REMARKS

Claims 1-17 are pending in this application. By this Amendment, claim 1 is amended. This amendment is supported by Applicants' specification at least at, paragraph [0041] and Figs. 4 and 5. Claim 17 is added. No new matter is added. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The courtesies extended to Applicants' representative by Examiners Tanner and Nguyen at the interview held July 8, 2009 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

Rejections under 35 U.S.C. §103

1. The Office Action rejects claims 1 and 4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,391,182 to Chin in view of U.S. Patent No. 4,906,231 to Young. This rejection is respectfully traversed.

The Office Action concedes that Chin does not teach a locking member. The Office Action asserts that Young remedies these shortfalls of Chin. The analysis of the Office Action fails for the following reason.

Claim 1 recites, among other features, the tightening member being adapted to be in contact with a distal end of the housing member. The Office Action asserts that flexible membrane 310 of Chin corresponds to a tightening member and that insertion tube 334 corresponds to a housing member. As discussed at the personal interview, Chin would not have suggested that flexible membrane 310 being adapted to be in contact with a distal end of the housing member when said pulling member pulls the loop suture out of the skin because Chin teaches at, e.g., col. 6, lines 8-15 that the flexible membrane 310 is drawn into the sheath 312 before any tension is placed on the suture 316. Young, as applied to claim 1, does not remedy these shortfalls of Chin.

For at least the foregoing reasons, the combination of Chin with Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Further, the combination of Chin with Young cannot reasonably be

considered to have suggested the combination of all of the features recited in claim 4 for at least the dependence of this claim on an allowable base claim, as well as for the separately patentable subject matter that this claim recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 4 under 35 U.S.C. 103(a) as being unpatentable over Chin in view of Young are respectfully requested.

2. The Office Action rejects claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Young and further in view of U.S. Patent No. 5,478,353 to Yoon. This rejection is respectfully traversed.

The Office Action concedes that Chin and Young do not teach an elastic housing member. The Office Action asserts that Yoon remedies these shortfalls of Chin and Young. As argued above, Chin and Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Yoon, as applied to claim 1, does not remedy the above-discussed shortfalls of Chin and Young. Therefore, the combination of Chin with Young and Yoon cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 2 and 3 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Chin in view of Young and further in view of Yoon are respectfully requested.

3. The Office Action rejects claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Young and further in view of U.S. Patent No. 6,860,895 to Akerfeldt et al. (hereinafter "Akerfeldt"). This rejection is respectfully traversed.

The Office Action concedes that Chin and Young do not teach a strain gauge means. The Office Action asserts that Akerfeldt remedies these shortfalls of Chin and Young. As argued above, Chin and Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Akerfeldt, as applied

to claim 1, does not remedy the above-discussed shortfalls of Chin and Young. Therefore, the combination of Chin with Young and Akerfeldt cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 5 and 6 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Chin in view of Young and further in view of Akerfeldt are respectfully requested.

4. The Office Action rejects claims 7, 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Young and further in view of U.S. Patent No. 5,190,526 to Murray et al. (hereinafter "Murray"). This rejection is respectfully traversed.

The Office Action concedes that Chin and Young do not teach a buffering means for buffering of the strain force loaded on the loop suture. The Office Action asserts that Murray remedies these shortfalls of Chin and Young. As argued above, Chin and Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Murray, as applied to claim 1, does not remedy the above-discussed shortfalls of Chin and Young. Therefore, the combination of Chin with Young and Murray cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 7, 8 and 10 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 7, 8 and 10 under 35 U.S.C. 103(a) as being unpatentable over Chin in view of Young and further in view of Murray are respectfully requested.

5. The Office Action rejects claim 9 under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Young and in view of Murray and further in view of Yoon. This rejection is respectfully traversed.

The Office Action concedes that Chin, Young and Murray do not teach a buffering means is formed of an elastic member and inserted into a predetermined position of the housing member. The Office Action asserts that Yoon remedies these shortfalls of Chin, Young and Murray. As argued above, Chin, Young and Murray cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Yoon, as applied to claim 1, does not remedy the above-discussed shortfalls of Chin, Young and Murray. Therefore, the combination of Chin with Young, Murray and Yoon cannot reasonably be considered to have suggested the combination of all of the features recited in claim 9 for at least the dependence of this claim on an allowable base claim, as well as for the separately patentable subject matter that this claim recites.

Accordingly, reconsideration and withdrawal of the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Chin in view of Young and in view of Murray and further in view of Yoon are respectfully requested.

6. The Office Action rejects claims 11, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Young and further in view of U.S. Patent No. 4,723,938 to Goodin et al. (hereinafter "Goodin"). This rejection is respectfully traversed.

The Office Action concedes that Chin and Young do not teach a loosening means including a female nut and bolt. The Office Action asserts that Goodin remedies the above-discussed shortfalls of Chin and Young. As argued above, Chin and Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Goodin, as applied to claim 1, does not remedy the above-discussed shortfalls of Chin and Young. Therefore, the combination of Chin with Young and Goodin cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 11, 12 and 14 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 11, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Young and further in view of Goodin are respectfully requested.

7. The Office Action rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Young and further in view of U.S. Patent No. 4,583,974 to Kokernak et al. (hereinafter "Kokernak"). This rejection is respectfully traversed.

The Office Action concedes that Chin and Young do not teach a loosening means with a cover having a third saw tooth on an inside surface of the cover, wherein the third saw teeth is engaged or disengaged with the first saw tooth on the pulling member by opening the cover from the loosening means in order to adjust the position of the pulling member. The Office Action asserts that Kokernak remedies these shortfalls of Chin and Young. As argued above, Chin and Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Kokernak, as applied to claim 1, does not remedy the above-discussed shortfalls of Chin and Young. Therefore, the combination of Chin with Young and Kokernak cannot reasonably be considered to have suggested the combination of all of the features recited in claim 13 for at least the dependence of this claim on allowable base claims, as well as for the separately patentable subject matter that this claim recites.

Accordingly, reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Chin in view of Young and further in view of Kokernak are respectfully requested.

8. The Office Action rejects claims 1, 4, 11, 12 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,549,633 to Evans et al. (hereinafter "Evans") in view of Young. This rejection is respectfully traversed.

The Office Action concedes that Evans does not teach a locking member. The Office Action asserts that Young remedies these shortfalls of Evans. The analysis of the Office Action fails for the following reason.

Claim 1 recites, among other features, the tightening member being adapted to be in contact with a distal end of the housing member when said pulling member pulls the loop suture out of the skin.

The Office Action asserts that hole 56 corresponds to a tightening member and tamper 28 corresponds to a housing member. Evans would not have suggested hole 56 being adapted to be in contact with tamper 28 or housing 26. During the personal interview, the Examiner asserted that disk or washers 46 and 50 corresponds to a tightening member. Evans would not have suggested disk or washers 46 and 50 being adapted to be in contact with tamper 28 or housing 26. Young, as applied to claim 1, does not remedy these shortfalls of Evans.

For at least the foregoing reasons, the combination of Evans with Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Further, the combination of Evans with Young cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 4, 11, 12 and 16 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 4, 11, 12 and 16 under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Young are respectfully requested.

9. The Office Action rejects claims 2, 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Young and further in view of U.S. Patent No. 5,649,959 to Hannam et al. (hereinafter "Hannam"). This rejection is respectfully traversed.

The Office Action concedes that Evans and Young do not teach an elastic housing member. The Office Action asserts that Hannam remedies these shortfalls of Evans and Young. As argued above, Evans and Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Hannam, as applied to claim 1, does not remedy the above-discussed shortfalls of Evans and Young. Therefore, the combination of Evans with Young and Hannam cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 2, 5 and 6 for at

least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 2, 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Young and further in view of Hannam are respectfully requested.

10. The Office Action rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Young and further in view of Yoon. This rejection is respectfully traversed.

The Office Action concedes that Evans and Young do not teach a scale marked on the housing or tightening member. The Office Action asserts that Yoon remedies these shortfalls of Evans and Young. As argued above, Evans cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Young and Yoon, as applied to claim 1, do not remedy the above-discussed shortfalls of Evans and Young. Therefore, the combination of Evans with Young and Yoon cannot reasonably be considered to have suggested the combination of all of the features recited in claim 3 for at least the dependence of this claim on an allowable base claim, as well as for the separately patentable subject matter that this claim recites.

Accordingly, reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Young and further in view of Yoon are respectfully requested.

11. The Office Action rejects claims 7, 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Young and further in view of U.S. Patent No. 5,021,059 to Kensey. This rejection is respectfully traversed.

The Office Action concedes that Evans and Young do not teach a buffering means for buffering of the strain force loaded on the loop suture, the buffering means being formed of an elastic member and inserted into a predetermined position of the housing member. The Office Action asserts that Kensey remedies these shortfalls of Evans. As argued above, Evans cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Kensey, as applied to claim 1, does not remedy

the above-discussed shortfalls of Evans and Young. Therefore, the combination of Evans with Young and Kensey cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 7, 9 and 10 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 7, 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Young and further in view of Kensey are respectfully requested.

12. The Office Action rejects claim 8 under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Young and in view of Kensey and further in view of Yoon. This rejection is respectfully traversed.

The Office Action concedes that Evans, Young and Kensey do not teach the buffering means is formed of an elastic member and inserted into a predetermined position of the pulling member. The Office Action asserts that Yoon remedies these shortfalls of Evans, Young and Kensey. As argued above, Evans, Young and Kensey cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Yoon, as applied to claim 1, does not remedy the above-discussed shortfalls of Evans, Young and Kensey. Therefore, the combination of Evans with Young, Kensey and Yoon cannot reasonably be considered to have suggested the combination of all of the features recited in claim 8 for at least the dependence of this claim on allowable base claims, as well as for the separately patentable subject matter that this claim recites.

Accordingly, reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Young and in view of Kensey and further in view of Yoon are respectfully requested.

13. The Office Action rejects claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Young and further in view of Kokernak. This rejection is respectfully traversed.

The Office Action concedes that Evans and Young do not teach a loosening means with a cover having a third saw tooth on an inside surface of the cover, wherein the third saw teeth is engaged or disengaged with the first saw tooth on the pulling member by opening the cover from the loosening means in order to adjust the position of the pulling member. The Office Action asserts that Kokernak remedies the above-discussed shortfalls of Evans and Young. As argued above, Evans and Young cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Kokernak as applied to claim 1 does not remedy the above-discussed shortfalls of Evans and Young. Therefore, the combination of Evans with Young and Kokernak cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 13 and 14 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Young and further in view of Kokernak are respectfully requested.

14. The Office Action rejects claim 15 under 35 U.S.C. §103(a) as being unpatentable over Evans in view of Young and further in view of U.S. Patent No. 6,355,050 to Andreas. This rejection is respectfully traversed.

The Office Action concedes that Evans and Young do not teach a multiple punctured purse-string type loop suture. The Office Action asserts that Andreas remedies these shortfalls of Evans and Young. As argued above, Evans cannot reasonably be considered to have suggested the combination of all of the features recited in claim 1. Andreas, as applied to claim 1, does not remedy the above-discussed shortfalls of Evans and Young. Therefore, the combination of Evans with Young and Andreas cannot reasonably be considered to have suggested the combination of all of the features recited in claim 15 for at least the dependence of this claim on an allowable base claim, as well as for the separately patentable subject matter that this claim recites.

Accordingly, reconsideration and withdrawal of the rejection of claim 15 under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Young and further in view of Andreas are respectfully requested.

Added claim 17 is allowable at least for the inclusion of the feature discussed above with respect to for example claim 1 that is not disclosed in any combination of the applied references.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set Fourth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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